

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

UNITED STATES OF AMERICA *
*
vs. * CR 109-035-3
*
WILLIE DAVIS ROYAL *

O R D E R

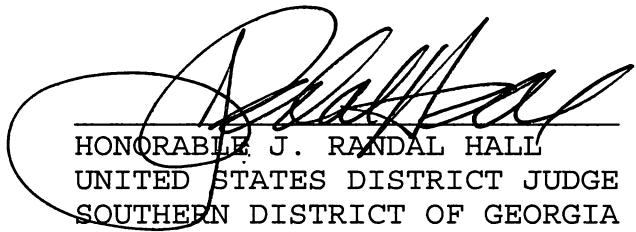
On February 9, 2017, this Court denied Defendant's motion to reduce sentence on the basis of Amendment 794 to the United States Sentencing Guidelines. As explained previously, Amendment 794 cannot be applied retroactively in the post-conviction context.

Presently, Defendant moves for reconsideration, arguing that this Court erroneously considered his motion under 18 U.S.C. § 3582(c)(2) as opposed to under Federal Rule of Criminal Procedure 52(b). Defendant fails to understand, however, that Rule 52 provides the standard of review of an error in a proceeding, for instance on an appeal from a conviction or in a habeas collateral proceeding; it is not a procedural basis for modifying an imposed sentence. Because Rule 52 is not a proper procedural vehicle to challenge a sentence, this Court appropriately construed his motion under a statute that is proper, namely § 3582(c)(2). Defendant's further arguments in favor of reconsideration of this Court's

well-reasoned analysis of his prior motion are inapplicable and unavailing.

In short, Defendant has not convinced this Court that it committed any error in its sentence or in its denial of a reduction of sentence. Accordingly, Defendant's motion for reconsideration (doc. 201) is hereby **DENIED**.

ORDER ENTERED at Augusta, Georgia, this 1st day of March, 2017.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA